BAXTER

"A Growing Community"

LONG RANGE PLANNING COMMISSION
January 26, 2015
6:00 p.m.

1. Call to Order
2. Approval of Minutes of November 24, 2014
3. Public Hearing – Zoning Ordinance Amendments related to Planned Unit Development (PUD) Regulations (city file 15-01)
4. Public Hearing Continued – Baxter Comprehensive Plan Update
5. Approved Meeting Dates for 2015
6. Adjourn

BAXTER

"A Growing Community"

TO: Baxter Planning and Zoning Commission

FROM: Josh Doty and Kendra Lindahl

DATE: January 14, 2015 for the January 26, 2015 LRPC Meeting

RE: **PUBLIC HEARING. Zoning Ordinance Amendment** to update the city's Planned Unit Development (PUD) standards. (City file no. 15-001).

1. Application Request

Consider a comprehensive ordinance amendment to update the City's planned unit development (PUD) standards. The primary purpose of the changes were to update the PUD ordinance to make a PUD a zoning district rather than a conditional use permit, which will allow it to be used to create more development flexibility in exchange for a higher level of design. The changes are also intended to make the ordinance more user-friendly by making it easier to understand and implement.

2. Changes for Consideration

Staff recommends the following changes to the Zoning Ordinance by deleting the ~~stricken~~ material and adding the <u>underlined</u> material as shown on the attached ordinance. These items are addressed in the attached ordinance, but we highlight a few:

- Updated references in the zoning districts.
  - PUDs were removed as PUD in all districts because PUDs will now be a zoning district. We believe this gives the City more discretion in reviewing a PUD and provides more flexibility for developers.

- Added the Planned Unit Development District as Article L.
  - Provided a purpose statement for the PUD district and standards for consideration of a request.
  - The PUD zoning district offers more development flexibility in exchange for better design, amenities or other benefits.
  - Created a 3-step process for approval of PUDs
    - Sketch Plan. Must be submitted to the Zoning Administrator for review but may be sent to Planning and Zoning Commission and City Council for discretionary review and non-binding comment.
    - General Plan (must be reviewed with the preliminary plat and rezoning). The rezoning is acted on with the General Plan but is effective only upon passage of an approved final plan.
    - Final Plan (must be reviewed with the final plat).

Summary

We believe the proposed changes will make the zoning ordinance easier to read and understand which will lead to easier implementation. This is a key step in making the City more user-friendly for residents, businesses and developers.

3. Recommendation

Recommend approval of the:
a. Draft zoning ordinance
b. Draft resolution approving findings of fact

Attachments
a. Draft findings of fact resolution
b. Draft ordinance amendments (Redlined)

CITY OF BAXTER, MINNESOTA
RESOLUTION 15-____

A RESOLUTION APPROVING FINDINGS OF FACT FOR AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY CODE, ENTITLED BAXTER ZONING REGULATIONS

WHEREAS, the City of Baxter initiated an amendment to update the Zoning Regulations related to the Planned Unit Development standards; and

WHEREAS, the amendment would be consistent with the Comprehensive Plan and other City policies and goals; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed text amendments at a duly called public hearing and recommends approval;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the Zoning Ordinance text amendment, based upon the finding the following findings:

1. That the proposed amendments would be consistent with State law and the City's Comprehensive Plan, and compatible with other provisions of the City Code.

2. The Zoning Standards have a substantial impact on development in the City.

3. Zoning Standards provide design guidelines and improvement requirements to protect the public health, safety and welfare.

4. The amendments were needed to address a number of legal, technical and substantive issues related to the current Zoning Standards.

Whereupon, said Resolution is hereby declared adopted on this xx day of February 2015.

_____
Darrel Olson, Mayor

ATTEST:

_____

City Seal

Kelly Steele, Assistant City Administrator/Clerk

CITY OF BAXTER, MINNESOTA
ORDINANCE 2015-__

AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY CODE, ENTITLED BAXTER ZONING REGULATIONS

THE CITY OF BAXTER ORDAINS:

SECTION 1. Amendments. The text of Section 10-2-2 of Title 10 (General Definitions) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

ACRE, NET ~~(As Applied To PUD Density Calculations):~~ One acre of land, minus the following:

A. Two-thirds (2/3) of that portion of the acre encompassed by wetlands, one-half (1/2) of that portion of the acre encompassed wholly or partially by hills, mounds, or slopes that drop at a rate of twelve percent (12%) or more per every fifteen feet (15') or more of distance; and

B. The entire area of public street rights of way.

SECTION 2. Amendments. The text of Section 10-3C-3 of Title 10 (Low Density Residential District) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~F. Planned unit developments (PUD) pursuant to Chapter 6 of this Title.~~

~~G~~ F. Religious institutions.

1. No building shall be located within fifty feet (50') of any lot line.

~~H~~ G. Relocation of a previously occupied house within the City pursuant to Section 10-1-3(D)7 (Moving Buildings) and complies with conditions in the Baxter House Moving Policy Manual as may be amended.

~~I~~ H. School.

1. Provided no building shall be located within fifty feet (50') of any lot line.
2. The site shall be served by a minor arterial or higher classification of roadway.
3. A master plan shall be submitted that describes proposed physical development for the next five years and for the following five years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways. (Ord. 2006-14, 4-18-2006) (Ord. 2006-17,5-16-2006)

SECTION 3. Amendments. The text of Section 10-3D-3 of Title 10 (Medium Density Residential District) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~D. Planned unit development (PUD) pursuant to Chapter 6 of this Title.~~

~~E.~~ D Religious institutions.

1. No building shall be located within fifty feet (50') of any lot line.

~~F.~~ E Relocation of a previously occupied house within the City pursuant to Section 10-1-3(D)7 (Moving Buildings) and complies with conditions in the Baxter House Moving Policy Manual as may be amended.

~~G.~~ F Rest homes or nursing homes.

1. When directly abutting an R-1 or R-2 district, the building setbacks from those property lines shall be an additional ten feet (10') for every story or fifteen feet (15') in building height
2. All parking (driveways, aisles, etc.) shall be at least twenty feet (20') set back from those property lines.
3. An off-street rider drop-off and pick up drive is required.

~~H.~~ G Seasonal recreational camping vehicle park (SRCVP) pursuant to Title 3, Chapter 19.

1. The site is a minimum of twenty five (25) acres and is directly served by a collector street or greater road.
2. The development will have at least fifty percent (50%) open space.
3. The facility is under the management of an existing lodging facility located less than one-fourth ($^1/4$) mile away or has on site management acceptable to the City or provides an alternative management system approved by the City.
4. The site is served by City sewer and water.

5. Licensing requirements of Title 3, Chapter 19 of this code are met.
6. Any required state licenses are obtained and kept current.
7. The development complies with the "Baxter Seasonal Recreational Camping Vehicle Park Policy Manual" and employs low impact development design as determined by the City.

~~I.~~ H. School.

1. Provided no building shall be located within fifty feet (50') of any lot line.
2. The site shall be served by a minor arterial or higher classification of roadway.
3. A master plan shall be submitted that describes proposed physical development for the next five years and for the following five years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed.
4. A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

SECTION 4. Amendments. The text of Section 10-3E-3 of Title 10 (High Density Residential District) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~D. Planned unit development (PUD) pursuant to Chapter 6 of this Title.~~

~~E.~~ D. Religious institutions.

1. No building shall be located within fifty feet (50') of any lot line.

~~F.~~ E. Relocation of a previously occupied house within the City pursuant to Section 10-1-3(D)7 (Moving Buildings) and complies with conditions in the Baxter House Moving Policy Manual as may be amended.

~~G.~~ F. Rest homes or nursing homes.

1. When directly abutting an R-1 or R-2 district, the building setbacks from those property lines shall be an additional ten feet (10') for every story or fifteen feet (15') in building height
2. All parking (driveways, aisles, etc.) shall be at least twenty feet (20') set back from those property lines.
3. An off-street rider drop-off and pick up drive is required.

~~H.~~ G. Seasonal recreational camping vehicle park (SRCVP) pursuant to Title 3, Chapter 19.

1. The site is a minimum of twenty five (25) acres and is directly served by a collector street or greater road.

2. The development will have at least fifty percent (50%) open space.
3. The facility is under the management of an existing lodging facility located less than one-fourth (1/4) mile away or has on site management acceptable to the City or provides an alternative management system approved by the City.
4. The site is served by City sewer and water.
5. Licensing requirements of Title 3, Chapter 19 of this code are met.
6. Any required state licenses are obtained and kept current.
7. The development complies with the "Baxter Seasonal Recreational Camping Vehicle Park Policy Manual" and employs low impact development design as determined by the City.

H School.

1. Provided no building shall be located within fifty feet (50') of any lot line.

2. The site shall be served by a minor arterial or higher classification of roadway.

3. A master plan shall be submitted that describes proposed physical development for the next five years and for the following five years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed.

4A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

SECTION 5. Amendments. The text of Section 10-3F-3 of Title 10 (Neighborhood Commercial District) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~G. Planned unit development (PUD) pursuant to Chapter 6 of this Title.~~

H Residential care facilities such as nursing homes, assisted living facilities including community behavioral health hospital and similar facilities (excludes hospitals or similar institutions):

1. That no building be located less than thirty feet (30') from the side lot line and are screened in compliance with Section 10-4-8 Performance Standards, Screening/Landscaping/Fencing.

2. An off street rider drop-off and pick up drive is provided.

3. There is an additional ten feet (10') of setback for all parking areas if abutting or adjacent to a residential district and Adequate off street parking and access is provided in compliance with Section 10-5-2 Special Provisions, Off Street Parking.

4. Adequate off street loading and service entrances are provided in compliance with Section10-5-3 Special Provisions, Loading Spaces.

5. The site and related parking and service shall be served by an arterial or collector street of sufficient capacity

6. On-site services shall be for residents of the facility only.

7. The site shall contain not less than six hundred (600) square feet of lot area for each person to be accommodated.

8. All signing and informational or visual communication devices shall be in compliance with Section 10-5-1 Special Provisions, Signs and shall not impact surrounding and abutting residential.

Veterinary; related indoor kennels provided:

1. All pens or cages must be completely enclosed within a building with the exception of incidental run areas that shall be limited to 10 percent of the gross floor area of its associated principal use, to a maximum of 5,000 square feet.

2. All indoor activity shall include soundproofing and odor control.

3. When abutting a residential use or district, the property shall be screened and landscaped in accordance with Section 10-4-8 Performance Requirements, Screening/Landscaping/Fencing.

Wireless communication towers as accessory to a permitted principal use subject to Title 9, Chapter 4.

SECTION 6. Amendments. The text of Section 10-3G-3 of Title 10 (Regional Commercial District) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~K. Planned unit development (PUD) pursuant to Chapter 6 of this Title.~~

School.

1. The use when conducted entirely within a building.
2. The site shall be served by a minor arterial or higher classification of roadway.
3. A master plan shall be submitted that describes proposed physical development for the next five years and for the following five years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed.
4. A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

~~M.~~ Veterinary and Pet Shop; related indoor kennels provided:

1. All pens or cages must be completely enclosed within a building with the exception of incidental run areas that shall be limited to 10 percent of the gross floor area of its associated principal use, to a maximum of 5,000 square feet.
2. All indoor activity shall include soundproofing and odor control.
3. When abutting a residential use or district, the property shall be screened and landscaped in accordance with Section 10-4-8 Performance Standards, Screening/Landscaping/Fencing.

~~N.~~ Wireless communication towers as accessory to a permitted principal use subject to Title 9, Chapter 4 and Section 9-4-3.

SECTION 7. Amendments. The text of Section 10-3H-3 of Title 10 (Office Service District) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~E. Planned unit development (PUD) pursuant to Chapter 6 of this Title.~~

~~F.~~ School.

1. The use when conducted entirely within a building.
2. The site shall be served by a minor arterial or higher classification of roadway.
3. A master plan shall be submitted that describes proposed physical development for the next five years and for the following five years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed.
4. A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

~~G.~~ Wireless communication towers as accessory to a permitted principal use subject to Title

9, Chapter 4.

Veterinary; related indoor kennels provided:

1. All pens or cages must be completely enclosed within a building with the exception of incidental run areas that shall be limited to 10 percent of the gross floor area of its associated principal use, to a maximum of 5,000 square feet.
2. All indoor activity shall include soundproofing and odor control.
3. When abutting a residential use or district, the property shall be screened and landscaped in accordance with Section 10-4-8 Performance Standards, Screening/Landscaping/Fences.

SECTION 8. Amendments. The text of Section 10-3I-3 of Title 10 (Industry Office District) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~E. Planned unit development (PUD) pursuant to chapter 6 of this title. (Ord. 2013-20, 11-19-2013)~~

SECTION 9. Amendments. The text of Article L of Title 10 (Zoning Ordinance) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

ARTICLE L. PUD PLANNED UNIT DEVELOPMENT DISTRICT

10-3L-1 **PURPOSE AND INTENT:**

The purpose of the Planned Unit Development District (PUD) is to provide a comprehensive procedure intended to allow greater flexibility in the development of neighborhoods or non-residential areas than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity. The intent of this section is to:

A. Provide for the establishment of Planned Unit Development (PUD) zoning districts in appropriate settings and situations, to create or maintain a development pattern that complies with the City's Comprehensive Plan.

B. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this Chapter.

C. Provide for variations to the strict application of the land use regulations in this Chapter in order to improve site design and operation, while at the same time incorporating design elements (e.g.,

construction materials, landscaping, lighting, etc.) that exceed the City's standards to offset the effect of any variations.

D. Promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.

E. Preserve and enhance natural features and open spaces.

F. Maintain or improve the efficiency of public streets and utilities.

G. Ensure the establishment of appropriate transitions between differing land uses.

H. Provide for the maintenance of, and an amendment procedure for, those planned unit developments existing as of February 10, 2015.

a. Any Planned Unit Development approved by Conditional Use Permit and legally existing as of prior to February 10, 2015 shall remain in full force and effect and may be continued in like fashion and activity. However, any change to such a use or building shall require a PUD general plan and rezoning to be processed according to this Article.

10-3L-2 **USES:**

A. All permitted uses, permitted accessory uses, conditional uses, interim uses, and uses allowed by administrative permit contained in Articles A through K of this Chapter shall be treated as potentially allowable uses within a PUD District, provided they would be allowable on the site under the City's Comprehensive Plan.

B. Density and land uses allowed by the Comprehensive Plan may be allowed to shift within an approved PUD. For example, a ten-acre site with seven acres of "Commercial" guiding and three acres of "Medium Density Residential" guiding could be developed with 70 percent of the land area commercial and 30 percent of the land area at the Medium Residential density identified in the Comprehensive Plan. This type of shift would only be allowed as part of a PUD and the location of uses within the site would be determined as part of the PUD process. This implementation technique would not require an amendment to the Future Land Use Map.

10-3L-3 **SETBACKS, LOT AREA, AND BUILDING HEIGHT:**

The various setback, lot area, and height regulations of the most closely related conventional zoning

district shall be considered presumptively appropriate, but may be departed from to accomplish the purposes described in this Article.

10-3L-4 INTEGRATED DESIGN:

A PUD shall consist of a harmonious arrangement and selection of land uses in groupings of buildings that are planned and designed as an integrated unit. The integrated design shall include elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation, and open spaces.

10-3L-5 PRE-APPLICATION SKETCH REVIEW:

Prior to the filing of a PUD general plan application, the applicant shall submit a sketch of the project to the Zoning Administrator. The sketch may be conceptual and may include the following related materials:

A. Information Requirement. A sketch plan application shall be filed with the Planning and Zoning Administrator on an official application form. The application shall be accompanied by the fee as set forth in the City Code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Planning and Zoning Administrator, fully describing the proposed project. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this Section.

1. A scale drawing of the proposed site with reference to existing development within 200 feet of adjacent properties.

2. General location of proposed structures.

3. Tentative street arrangements, both public and private.

4. Amenities to be provided such as recreational areas, open space, walkways, etc.

5. General location of parking areas.

6. Proposed public sanitary sewer, water and storm drainage.

7. A statement showing the proposed density of the project with the method of calculating said density also shown.

8. Topographic contours at two foot intervals.

9. Wetland delineation.

10. Proposed general schedule of development.

11. Other information or materials useful in reviewing the sketch.

B. Analysis. The Planning and Zoning Administrator shall review the sketch and provide informal comments. The Planning and Zoning Administrator shall have the prerogative and authority to refer the sketch to the Planning and Zoning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided on the sketch by the Planning and Zoning Administrator, Planning and Zoning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision.

C. Filing. Requests for pre-application sketch review shall be filed with the Planning and Zoning Administrator on an official application form. The application shall be accompanied by the fee as set forth in the City Code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Planning and Zoning Administrator, fully describing the proposed project. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this Section.

10-3L-6 GENERAL PLAN:

A PUD general plan is a plan and supportive text depicting general land use, circulation, open space, utilities, etc. for parcels of land within a PUD.

A. Application Procedure. PUD zoning applications shall be processed according to the evaluation criteria and procedures outlined in Section 10-7-3 of this Ordinance.

B. Information Requirement.

1. The information required for all PUD general plan applications shall be as specified in Section 10-7-3 and 10-7-4 of this Ordinance. The PUD general plan and rezoning applications shall be submitted and processed concurrently.

2. If the PUD will be developed in different phases, the applicant shall submit a phasing plan for

construction of the various elements of the entire PUD.

3. Draft of any easements and restrictive covenants prior to sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

4. The Planning and Zoning Administrator, Planning and Zoning Commission, and/or City Council may excuse an applicant from submitting any specific item of information or document required by this section which it finds to be unnecessary to the consideration of the specific PUD being considered.

C. Zoning Enactment. A rezoning of a parcel of land to PUD shall not become effective until such time as the City Council approves an ordinance reflecting said amendment, which shall take place at the time the City Council approves the general plan.

D. Required Findings. The Planning and Zoning Commission and the City Council shall approve the requested PUD general plan and rezoning only if they find the proposal complies with the following:

1. The planned development is not in conflict with the Comprehensive Plan.

2. The planned development is not in conflict with the intent of the underlying zoning district.

3. The planned development is not in conflict with other applicable provisions of the City's Zoning Ordinance.

4. The planned unit development is consistent with purpose and intent of this Article.

5. The planned development is of sufficient size, composition, and arrangement that its construction, marketing, and/or operation is feasible as a complete unit without dependence upon any other subsequent unit or phase.

6. The planned development will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the planned development.

7. The planned development will not have an undue and adverse impact on the reasonable enjoyment of the neighborhood property.

8. The quality of the building and site design proposed by the PUD plan shall substantially

enhance the aesthetics of the site, shall demonstrate higher standards, more efficient and effective uses of streets, utilities and public facilities, it shall maintain and enhance any natural resources within the development, and create a public benefit that is greater than what would be achieved through the strict application of the primary zoning regulations.

10-3L-7 **FINAL PLAN:**

After approval of the general plan, the applicant may apply for final plan approval for all or a portion of the PUD. The final plan shall be accompanied by a fee as set forth in the City Code. The applicant shall submit the following material for review by and approval of the Planning and Zoning Administrator prior to issuance of any building permit(s).

A. If the PUD will be developed in different phases, the applicant shall submit a phasing plan for construction of the various elements of the entire PUD.

B. Development plans in final form, based on the approved general plan, covering that portion of the PUD where building permits will be requested under the phasing plan.

C. Proof of recording any easements and restrictive covenants prior to sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

D. All certificates, seals and signatures required for the dedication of land and recording of documents.

E. Any other plans, agreements or specifications necessary for the Planning and Zoning Administrator to review the proposed final plan.

F. Single-family developments and PUD districts approved for only one building shall be exempt from the requirement for a PUD final plan.

10-3L-8 **PERIODIC PUD REVIEW:**

The City Council may require periodic review of a PUD as a condition to approval of a PUD General Plan in order to ensure compliance with the conditions of the PUD. At such time the City Council may, at its discretion choose to take additional testimony on the PUD.

10-3L-9 **PLAN AMENDMENT OF A PUD:**

A. Minor Plan Amendment. Plan amendments may be approved by the Planning and Zoning Administrator, provided that the changes do not involve the following:

1. Increase in floor area of structures or number of dwelling units of more than 10%.

2. Changes involving 10% or more of the site area.

3. Alteration of any condition attached or modification to the final development plan made by the City Council.

B. Major Amendment. Any amendment that not eligible for a minor amendment shall be considered a major amendment. The same review procedure shall be followed for a major amendment of a PUD as was followed with respect to the PUD general plan, as outlined in Section 10-3L-6 of this Chapter.

10-3L-10 GENERAL REQUIREMENTS:

A. Records. The Planning and Zoning Administrator shall maintain a record of all PUD zones approved by the City, including all pertinent project plans, any conditions imposed on a project by the City Council, and such other information as the Planning and Zoning Administrator may deem appropriate.

B. Withdrawal of an Application. Any application under this Article may be withdrawn by an applicant without prejudice at any time prior to final City Council action.

C. Platting of a PUD. In the event that a PUD is to be subdivided into lots or parcels for the purpose of separate ownership, such PUD shall be platted under the platting procedures contained in the Subdivision Regulations (Title 11 of the City Code). The preliminary plat shall be processed in conjunction with the general plan as outlined in Article 10-3L-8 of this Chapter.

D. Final Plat. A separate action on the final plat shall be processed before the City Council prior to the approval of a Final Plan.

E. Conveyance of Property Within a PUD. In the event that any real property within an approved PUD is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD and the general plan for that project. However, nothing in this Article shall be construed as to make such conveyed property non-conforming with regard to normal zoning standards as long as the conveyed property conforms with the approved PUD and the general plan for a project.

F. Performance Agreement/Financial Guarantee. If the project includes public improvements, the

applicant shall enter into a development agreement with the City as described in Title 11, Chapter 5 of the City Code.

G. Expiration of PUD Approval. Unless the City Council specifically approves a different time period, the approval of a PUD shall expire one year from the date it was approved, unless the applicant has commenced the authorized use; or, unless before expiration of the one year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why the authorized use has not commenced, 2) what, if any, good faith efforts have been made to commence the authorized use, 3) the anticipated commencement date for the authorized use, and 4) the signature of the applicant and property owner. The Planning and Zoning Administrator may approve up to 2 such extensions of not more than one additional year per extension.

SECTION 10. Amendments. The text of Chapter 6 (Planned Unit Development Process) of Title 10 (Zoning Ordinance) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~**Chapter 6. PLANNED UNIT DEVELOPMENT PROCESS**~~

~~**10-6-1 : INTENT AND OBJECTIVES:**~~

~~The purpose of this chapter is to establish provisions for the granting of a conditional use permit to provide for a planned development project wherein there is more than one principal building or land use per lot. In exchange for this enhanced flexibility, the city has the expectation that the planned unit development (PUD) will result in a significantly higher quality and more sensitive proposal than would have been the case with the use of other, more standard zoning districts. The PUD shall have adequate controls to protect adjacent development and ensure high standards of development in accordance with an integrated design and coordinated physical plan in accordance with the following standards:~~

~~A. To provide maximum choice of living environments by allowing a variety of housing building types, encouraging affordable housing, densities and uses within a development.~~

~~B. To enable a more useful pattern of open space and recreation areas and, if permitted as set forth below, more convenience in the location of mixed uses.~~

~~C. To preserve and enhance desirable site characteristics and open space by preserving the existing grade, landscape, existing native plantings and mature trees.~~

~~D. To promote more efficient and effective use of land, open space and public facilities through shorter utilities lines and streets.~~

~~E. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished within the city.~~

~~F. Ensure the establishment of appropriate transitions between differing land uses.~~

~~G. To effectuate the policies and standards of the Baxter comprehensive development plan, capital improvement plan, trail ordinance, roadway plan, park and recreation plan, Highways 371 and 210 corridor plans, wetland management plan, zoning map and storm water management plan. (Ord. 2007-12, 7-17-2007)~~

~~10-6-2 : DISTRICTS WHERE PERMITTED:~~

~~PUDs are not permitted uses in any district but are allowed by a conditional use permit (CUP) in R-1, R-2, R-3, C1, C2, OS and I districts. (Ord. 2007-12, 7-17-2007)~~

~~10-6-3 : INFORMATION AND REQUIREMENTS:~~

~~A. General Procedure: PUDs shall be proposed and approved in accordance with this section. Since PUDs are customized, innovative designs, the developer may be required to submit additional information than set forth below if required by the city. It is the intent of this chapter to require subdivision of the subject property according to the Baxter subdivision ordinance simultaneously with an application for a conditional use permit (CUP) for the PUD. The public hearing on the CUP/PUD shall be held concurrently by the planning and zoning commission with the public hearing on the underlying preliminary plat. In addition, all terms used throughout this chapter shall be defined or interpreted as set forth in the zoning or subdivision ordinances.~~

~~B. Site Visit Or Existing Natural Feature Inventory: Prior to sketch plan submittal, the developer or representatives shall meet with the city on site to identify significant natural or cultural features that must be preserved, buffered, and/or protected. A plan shall be provided as a result of this meeting that will delineate these areas within the property.~~

~~C. Sketch Plan Review/Preapplication Requirements: Prior to the preparation of the preliminary plat, or PUD plan, the developer shall meet with the city staff to review all applicable ordinances, regulations, and plans applicable to the area to be developed. Before this meeting can be scheduled, the developer must obtain a copy of the PUD checklist indicating that a PUD will be pursued and deposit the required escrow amount. The developer shall also submit four (4) copies of a general sketch plan of the proposed plat, together with a preliminary drainage and storm water handling plan showing general location and methods. The sketch plan can be represented in a simple form, but should include notation of any zoning changes or permits which would be required, and shall show that consideration has been given to the relationship of the proposed plat to existing community facilities that would serve it, to neighboring subdivision and development, and to the topography of the site. The purpose of the meeting at this point is to save time and effort and facilitate the approval of the PUD when submitted. After submission of a PUD sketch plan, staff may take up to ten (10) business days to determine if the information submitted is complete before scheduling the preapplication meeting. After the preapplication meeting, the zoning administrator, within fifteen (15) working days of the meeting, shall report back, in writing, to the developer with the information and any issues raised by the zoning administrator, city public services director, city engineer, or city attorney. At this time, the zoning administrator will report whether staff determines that a mandatory or discretionary environmental review is required prior to the formal application.~~

~~The zoning administrator shall then place the sketch plan on the next scheduled council meeting for council review but no sooner than five (5) business days. This review shall be for comments only and the city shall reserve full authority to approve or deny the application when it is resubmitted with all the required documentation.~~

~~D. Documentation: In addition to all information required for the preliminary plat being considered simultaneously herewith, the developer shall submit the following documents that explain how the project is designed and will function:~~

~~1. Covenants that require membership in a property owners' or condominium association. The city may require that they are a party to said covenants or association documents to ensure that they may enforce the provisions thereof and, in addition thereto, possibly maintain common elements if they are not being properly maintained by the association and then assessing any costs of said maintenance against the association;~~

~~2. Any easements within the PUD and a utility design;~~

~~3. A concept statement describing the project;~~

~~4. Rough landscaping plan;~~

~~5. Lighting plan;~~

~~6. Floor plans and architectural elevations for structures, surface material (including color and building material) list for each structure;~~

~~7. Time schedule for the completion of development and, if it is to be done in stages, what improvements will be completed with each stage of development;~~

~~8. Describe the expected uses of each structure; not business specific but whether it is office, retail, etc. If the application is an amendment or reapplication of a previous application, the documentation should list the differences between each application;~~

~~9. Calculate the number of dwelling or commercial units and overall densities;~~

~~10. If any of the plat is within the shore land overlay district, information should be included analyzing the existing recreational use of surface waters, impact on the shoreline and likely increases in water use associated with the PUD; possible erosion concerns raised by the new development; level of current development in the area; and amounts and types of ownership of surrounding land.~~

~~11. The applicant will attach an affidavit confirming that they (only 1 owner per PUD) own all the land within the proposed PUD.~~

~~E. Minimum Size: Minimum size of PUDs by zoning class:~~

~~R-1 5 acres~~

~~R-2, R-3 2 acres C1, C2, OS, I 0 acres~~

~~F. Design Standards: Centralization and design of facilities and structures should be done to the following standards:~~

~~1. Water Supply; Sewer Systems: Planned unit developments must be connected to publicly owned water supply and sewer systems. Any water lines over eight inches (8") in diameter or sewer lines over eight inches (8") in diameter shall be dedicated to the city with easements necessary to maintain.~~

~~2. Clustering: Dwelling units or buildings should be clustered into one or more groups and located on suitable areas of the development.~~

~~3. Recreation And Community Facilities: Recreational or community facilities, if required, should be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, vegetation, soils, depth to ground water and bedrock, and other relevant factors.~~

~~4. Visibility: Structures, parking areas, lighting and other facilities should be designed so as to reduce visibility from public waters, public open spaces, and adjoining properties of a different use by vegetation, topography, increased setbacks, color, or other means acceptable to the city council assuming summer leaf-on conditions.~~

~~5. Private Streets: The city may require dedication of streets to ensure proper maintenance and snow removal.~~

~~6. Erosion Control: The PUD should be designed to minimize the likelihood of substantial erosion occurring either during or after construction. This must be accomplished by limiting~~

~~the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features and natural vegetation. Association documents should discuss long term maintenance of all common areas.~~

~~7. Landscape Lot Area: The landscape lot area (assuming the entire plat to be 1 lot for this calculation) shall either be dedicated to the public or common open space governed by covenants or association declarations. The following percentage requirements shall be calculated separately if there is more than one underlying zoning district within the PUD mixed use overlay district. The landscape lot area shall be the following percentage of the entire plat for each zoning district:~~

~~R-1 60 percent~~

~~R-2 50 percent~~

~~R-3 30 percent~~

~~OS 25 percent~~

~~C1 25 percent~~

~~C2 20 percent~~

~~I 20 percent~~

~~If the PUD is a redevelopment of an existing development, the city may reduce the landscape lot area requirements practical to that site to increase the preexisting landscape lot area.~~

~~8. Storm Water Retention: On site storm water retention shall be required in accordance with~~

~~MPCA storm water standards, and this code. The requirements shall be the same as if the PUD were a standard subdivision. Association documents should discuss maintenance of any storm water ponding.~~

~~9. Other Street And Utility Design Standards: In general, the design of all streets and utilities should conform to those set forth in the Baxter subdivision ordinance unless the particular site dictates that changes be made upon recommendation and approval of the city.~~

~~10. Parking: The parking requirements within a PUD shall be the same as those in the underlying zoning district unless the combination of uses, shared easements, or permeable overflow parking concepts suggest that traditional parking requirements will result in unneeded bituminous surface. If any parking reductions are granted by the city, the PUD design should attempt to create areas that could be converted to additional parking if uses change or more parking is required in the future.~~

~~11. Shore Land: The impervious restrictions for development within the shore land district, if higher than the landscape lot area requirements set forth above, shall apply. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least fifty percent (50%) of the shore impact zone must be preserved in its natural state. The setback from the ordinary high water mark within PUDs shall be the same as in the underlying shore land overlay district. Finally, the density and number of units with legal access to the adjacent public waters may not be increased from what is permissible in the underlying zoning district.~~

~~12. Setbacks: Setbacks at the periphery of the PUD, at a minimum, shall be the same as those in the underlying zoning district. If the land within the PUD abuts or is adjacent to developed land of a lower density than the proposed PUD, a minimum of a thirty foot (30') buffer must be provided. This buffer must also provide a vegetative visual screen of no less than seventy five percent (75%) opaque with leaf-on conditions. If a building fronts on a public street right of way, the standard setback of that underlying zoning district applies. All buildings shall be at least twenty five feet (25') from the back edge of the curb or edge of paved surface if no curb exists. Finally, all buildings shall be at least fifteen feet (15') from any other building.~~

~~The city will identify significant natural features that must be preserved as part of the development preapplication meeting. A thirty foot (30') vegetative buffer building setback is required from all wetlands, bluffs, steep slopes or other significant natural features as deemed by the city. A conservation easement may be required for these areas to outline allowable functions and uses within the easement. When a planned unit development abuts public lands intended for uses such as natural environment preservation, state parks, or wildlife management areas the required periphery building setback shall be doubled, but shall be no less than forty feet (40').~~

~~G. Mixed Uses:~~

~~1. Underlying Zoning District: In general, the permitted and conditional uses allowed in the underlying zoning district shall be the only uses in the PUD. If the PUD covers more than one zoning district, the uses within the PUD should comply with the respective underlying zoning districts unless a PUD mixed use overlay district is granted.~~

~~2. Mixed Uses: For the purpose of this section, a "mixed use" is one that may be permitted within the PUD but that is not a permitted or conditional use within the underlying zoning district. Mixed uses may only be permitted after rezoning the land to a PUD mixed use overlay zoning district.~~

~~3. Purpose: The purpose of the mixed use PUD overlay district is to provide for the integration and coordination of land parcels as well as the combination of varying types of residential, commercial and industrial uses.~~

~~4. Factors Considered: When considering a rezoning application to PUD mixed use overlay district, the city shall consider the following factors:~~

~~a. The rezoning application must be accompanied by a PUD/CUP application as set forth above to present how the land will be developed. Although a developer may present a rezoning application with the preliminary plat, the rezoning shall not be effective until the final plat and PUD are approved and recorded.~~

~~b. If the land is currently zoned residential, the PUD mixed use overlay district must consist of at least ten (10) acres.~~

~~c. No PUD mixed use overlay districts shall be considered within the shore land overlay or I districts.~~

~~d. The proposed uses within the PUD mixed use overlay district must be consistent with the Baxter comprehensive plan and compatible with adjacent uses.~~

~~e. The proposed PUD mixed use overlay district must be designed to adequately screen and blend uses that will be adjacent to each other.~~

~~f. While seeking a rezone to a PUD mixed use overlay district, the developer may, at the same time, consider rezoning the underlying zoning districts since those districts will govern the~~

~~landscape lot area requirements. In such a case, the rezoning of the underlying zoning district shall also not be effective until the final plat, PUD and PUD mixed use overlay district are all approved. Because the underlying rezoning is tied to a mixed use overlay district, it is not required to amend the comprehensive plan.~~

~~g. Any construction not specifically set forth in the application and approved by the city as part of the PUD mixed use overlay district application or any future redevelopment thereof must be preceded by a request to revoke the PUD mixed use overlay district and, upon city approval, the zoning of said land shall revert back to the underlying zoning prior to any zoning changes made to complete the PUD mixed use overlay district.~~

~~5. Permitted Uses: All permitted, permitted accessory, or conditional uses contained in any of the zoning districts of the Baxter zoning ordinance shall be treated as permitted uses within a PUD mixed use overlay district to eliminate the overlapping procedural requirements of individual conditional use provisions.~~

~~H. Administration; Maintenance:~~

~~1. Permanent Means For Reservation And Maintenance: A developer's agreement, deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided prior to final plat or PUD approval to ensure long term preservation and maintenance of the uses, open space and structures within the PUD. The instruments must govern: commercial uses, mixed uses, landscaping, vegetation and topographic alterations, construction of additional buildings and parking. Conservation easement requirements may be waived for properties provided the association documents, covenants, or other acceptable method outlines restrictions on the use of areas near and within wetlands, bluffs, or other significant natural features. The covenants shall include an exhibit showing the area of any protected area and reference to the document governing the protected area.~~

~~2. Homeowners' Association: Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use a homeowners' association with recorded covenants covering insurance obligations, use and maintenance of common areas, assessments and other fees.~~

~~3. Agreement/Financial Guarantee: Prior to final plat approval, the applicant shall enter into an agreement with the city relating to the terms of the PUD, and shall also provide such financial guarantees as the city requires or deems necessary. In addition to financial guarantees for all streets and utilities, the city may require financial guarantees for the completion of any~~

~~community or recreational facilities. The terms of this developer's agreement shall be similar to those set forth in the subdivision ordinance.~~

~~4. Time Frame For Completion: Without interim requirements as set forth below, construction of all structures and improvements within the PUD must be completed within one year of final approval of the PUD. No building permits or certificates of occupancy shall be issued after this deadline without city council approval. If the PUD construction will take longer or will be done in phases, the development agreement must set forth deadlines for construction and determine what sort of interim requirements are needed to avoid erosion or unsafe conditions and to provide financial guarantees acceptable to the city. When a PUD provides for common or public open space, the total area of common or public space shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD upon completion. If a longer time line is requested by the developer at time of application and approved by the city, that shall serve as an extension. If construction and improvements of the development are not completed within the approved time line a formal request must be made and approved by the city council.~~

~~5. Amendments: A PUD is allowed by conditional use permit (CUP). Therefore the uses, design or layout within the PUD may not change without amendment to the CUP. Changes in the PUD or final plat after final approval shall require submission of an amendment to the CUP and/or plat and may require amending the developer's agreement. An updated overall master plan of the entire PUD must be submitted including adjacent land use and existing structures within three hundred fifty feet (350') unless reduced by the city. All amendments shall be approved by the city council after recommendation by the planning commission unless the city determines there is not a substantial departure from the original approval. If the city determines there is not a substantial departure from the original approval, a formal amendment may not be required in all instances and can be approved administratively by city staff, examples of those changes are set forth below:~~

~~a. Change in housing mix that does not increase density unless units are combined.~~

~~b. Change in building or parking locations that do not materially impact approved plan or adjacent properties.~~

~~c. Changes in ownership or change in use if the new use is of the same category listed in any of the various Baxter zoning districts. For example, if the current use is a permitted use in C1, a change in use to another permitted use in C1 would not require city approval, unless that use requires additional parking spaces.~~

~~d. Other minor modifications as determined by city.~~

~~6. Common Interest Community: The creation of any cooperative, condominium or any other~~

~~common interest community now regulated by Minnesota statutes section 515B including any such community that is excepted from said section 515B due to its low number of units or commercial character shall require a PUD approval as set forth above. (Ord. 2007-12, 7-17-2007)~~

~~10-6-4 : MAXIMUM ALLOWABLE DWELLING UNIT OR DENSITY INCREASES:~~

~~Except as set forth below, the density allowed within a PUD shall be the same as that allowed in the zoning district. If there are multiple underlying zoning districts within the PUD, the densities should be calculated separately for each zoning district and densities cannot be transferred to another zoning district within the PUD. If a density credit is approved, the credit should be applied in the area and for the uses by which the credit was obtained.~~

~~A. Base density shall be calculated as follows:~~

~~1. Wetland areas within all zoning districts shall be calculated for density credit as follows: One-third (1/3) of that portion of an acre encompassed by wetlands shall be considered upland for density calculation purposes.~~

~~2. Low density residential (R-1): One unit per fifteen thousand (15,000) square feet of upland (2.9 units per net acre).~~

~~3. Medium density residential (R-2): One unit per six thousand two hundred fifty (6,250) square feet of upland (6.9 units per net acre).~~

~~4. High density residential (R-3): One unit per one thousand seven hundred (1,700) square feet of upland for zero to one bedroom units, one unit per two thousand five hundred (2,500) square feet of upland for two (2) or more bedroom units (17.4 - 25.6 units per net acre).~~

~~5. Regional commercial, neighborhood commercial, office service, and industrial office have no limit on building numbers per site as long as landscape lot area found in subsection 10-6- 3F7 of this chapter is complied with.~~

~~6. Fractional units relating to density are permitted to be rounded up to the nearest whole number.~~

~~B. An additional bonus density of up to twenty percent (20%) more than that permitted within the underlying zoning district may be granted by the city council for developments of exceptional design, as set forth below:~~

~~1) Up to a five percent (5%) increase in density may be granted if the application has housing options for low and moderate income persons. More specifically, at least five percent (5%) of the residential units within the entire development must be affordable as defined by the fair housing act of 1999.~~

~~2) Up to a five percent (5%) increase in density may be granted if the application has significant natural forested or wetland areas that are preserved from development by a permanent conservation easement.~~

~~3) Up to a five percent (5%) increase in density may be granted if the application has privately owned and maintained ball fields, tennis courts, pools, playground equipment or other park facilities that significantly exceed city requirements and reduce city park needs.~~

~~4) Up to a five percent (5%) increase in density may be granted if the application has landscaping, open space or trails that significantly exceed city requirements and preserve the existing environment.~~

~~5) The terms and conditions for any additional density bonus approved by the city council shall be set forth in the developer's agreement. Furthermore, the city council may require additional surety to ensure compliance with said terms. (Ord. 2007-12, 7-17-2007)~~

SECTION 11. Effective Date. This amendment shall take effect upon its passage.

WHEREUPON, said Ordinance is hereby declared adopted on this xx day of February 2015.

_____

Darrel Olson, Mayor

ATTEST:

_____

Kelly Steele, Assistant City Administrator/Clerk *City Seal*

BREEN & PERSON LTD
Attorneys At Law

January 13, 2015

Josh Doty,

Here are my thoughts on the proposed edits to your new comp plan:

Page 18 – don't see why you want to approve a specific use (big box retail) in a general comp plan. In each zoning district, what and where a proposed use may be appropriate would depend on a specific site plan and you would need to apply that to a specific parcel.

Just in general, we are working on a new PUD ordinance in part on the comments regarding this long range plan. As a result and in addition, we could add the following language to the comp plan:

Business Gateway The Business Gateway land use is intended to provide for office, light industrial and limited retail uses that create a high quality, attractive "north woods" image at the City's southeast and west gateways on Highways 371 and 210. The city shall adopt a Gateway Ordinance that generally follows the draft ordinance that was prepared and reviewed at the July 28, 2014 Long Range Planning Commission meeting and found in the appendix of this plan. The Planned Unit Development (PUD) process may also be used by developers to make requests for customized development plans that provide variations from the strict application of the Gateway Ordinance standards. In consideration of PUD requests, the city must weigh variations from the Business Gateway standards with the overall development plan to determine if the project is consistent with the comprehensive plan.

Sincerely,

J. Brad Person

J. Brad Person
Baxter City Attorney

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Long Range Planning Commission
2015 Meeting Dates

Meets fourth Monday of each month at 6:00 p.m.

January 26
February 23
March 23
April 27
May 18** Moved up 1 week due to Memorial Day
June 22
July 27
August 24
September 28
October 26
November 23
December 28